STATE OF NEW YORK
DEPARTMENT OF LABOR

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BOARD OF STANDARDS AND APPEALS

11 NORTH PEARL STREET
ALBANY, N. Y. 12207

PLAINTIFF'S EXHIBIT
UC-3508

January 10, 1974

Dear Sir:

Attached herewith is a copy of Public Hearing Draft No. 1, dated December 19, 1973, of a proposed partial amendment of Industrial Code Part (Rule No.) 12 (12 NYCRR 12) relating to Control of Air Contaminants.

A public hearing at which the proposed partial amendment will be discussed will be held at the following time and place:

Tuesday, January 29, 1974 at 10:00 A.M.

Home Savings Bank Building - Room 1902
11 North Pearl Street
Albany, New York 12207

Comments at the public hearing will be limited to the provisions contained in Public Hearing Draft No. 1, dated December 19, 1973, of the proposed partial amendment of Industrial Code Part (Rule No.) 12.

We invite your presence at the public hearing to express your opinions concerning the proposed amendment.

If it is inconvenient for you to attend the scheduled hearing, please send your written comments concerning the proposed amendment to the Board at the above address on or before February 15, 1974. All written comments received by the Board, along with those made at the public hearing, will be carefully considered before final action is taken on the proposed partial amendment of Industrial Code Part (Rule No.) 12.

Very truly yours,

Harry R. Mason
Chairman

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Public Hearing Draft No. 1
December 19, 1973

PROPOSED PARTIAL AMENDMENT

of

Title 12 of the New York State Official Compilation of Codes,

Rules and Regulations, Chapter I, Subchapter A, Part 12

(12 NYCRR 12)

INDUSTRIAL CODE PART (RULE NO.) 12

relating to

CONTROL OF AIR CONTAMINANTS

Written comments accepted until February 15, 1974

STATE OF NEW YORK
DEPARTMENT OF LABOR
BOARD OF STANDARDS AND APPEALS
11 North Pearl Street, Albany, New York 12207

Harry R. Mason, Chairman
B. Franklin Spencer, Member
Richard H. Bolton, Member

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The Industrial Code of the State of New York

Proposed Partial Amendment of Part (Rule No) 12

relating to

CONTROL OF AIR CONTAMINANTS

(Statutory Authority: Labor Law §§ 27-a, 28, 29, 200, 299)

Title 12 of the New York State Official Compilation of Codes, Rules and Regulations, Chapter I, Subchapter A, Part 12

The said Part (rule) as last amended effective May 1, 1971 is proposed to be partially amended in respect to Subpart 12-3 to read as follows:

Editorial Note: Delete present Table II - Mineral Dusts and insert new Table II as follows:

TABLE II - MINERAL DUSTS AND FIBERS*

Substance	Million Particles Per Cubic Foot**	Permissible Number of Fibers Per Cubic Centimeter of Air***
Asbestos+		5
Dust (nuisance, no free silica)	50	
Graphite (natural)	15	
Mica (below 1% free silica)	20	
Portland cement	50	
Silica++ -		
Class I	50	
Class II	20	
Class III	10	
Class IV	5	
Slate (below 1% free silica)	50	
Soapstone (below 1% free silica)	20	
Talc (below 1% free silica)	20	
Total dust (below 1% free silica)	50	

BSA-57 (5-67)

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* Fibers longer than five micrometers.

** Using the light field low-power method of counting as described in the U.S. Public Health Report 47 No. 12, March 12, 1932, pp 669-672 or its equivalent and a standard type impinger or other equivalent instrument for taking atmospheric dust samples.

*** All determinations of airborne concentrations of asbestos fibers shall be made by the membrane filter method at 400 - 500 x (magnification) (4 millimeter objective) with phase contrast illumination.

+ For the purposes of this Part (rule), asbestos fibers includes the following: Actinolite, Amosite, Anthophyllite, Chrysotile, Crocidolite and Tremolite.

++ Class I Rock - Any rock formation uniformly containing up to and including 5%, by weight, of free silicon dioxide.

Class II Rock - Any rock formation uniformly containing more than 5%, up to and including 10%, by weight, of free silicon dioxide.

Class III Rock - Any rock formation uniformly containing more than 10%, up to and including 40%, by weight, of free silicon dioxide.

Class IV Rock - Any rock formation containing more than 40%, by weight, of free silicon dioxide.

UCC 009099

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